

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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BRUCE PERLOWIN.

Plaintiff,

V.

NIMAI HEMPHILL and BIANCA VON JUDY,

Defendants.

Case No. 2:15-cv-01113-APG-PAL

**ORDER DISMISSING THE
PLAINTIFF'S CLAIMS AGAINST
DEFENDANT BIANCA VON JUDY
FOR FAILURE TO PROSECUTE**

This case was filed in June 2015. ECF No. 1. The summonses were returned executed that same month. ECF Nos. 6, 7. Plaintiff Bruce Perlowin promptly obtained a clerk's entry of default as to defendant Nimai Hemphill. ECF Nos. 8, 10. He thereafter sought and obtained a default judgment against Hemphill. ECF Nos. 11, 13. However, Perlowin never moved for entry of default against defendant Bianca Von Judy.¹

I previously ordered Perlowin to file a status report regarding the remaining defendant, Von Judy. ECF No. 14. Plaintiff did so on December 20, 2016, indicating that a motion for default judgment would be forthcoming. ECF No. 15. However, Perlowin has never obtained a clerk's entry of default against defendant Von Judy and he still has not filed a motion for relief against her. I therefore ordered Perlowin to show cause, in writing, on or before May 19, 2017, why his claims against defendant Von Judy should not be dismissed for failure to prosecute. ECF No. 16. I advised Perlowin that failure to respond would result in dismissal without prejudice. Perlowin did not respond.

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¹ A clerk's entry of default was erroneously entered against Von Judy but that default was amended to apply only to defendant Hemphill. *See* ECF Nos.8, 9, 10.

1 IT IS THEREFORE ORDERED that plaintiff Bruce Perlowin's claims against defendant
2 Bianca Von Judy are dismissed for failure to prosecute. The clerk of court is instructed to close
3 this case.

4 DATED this 1st day of June, 2017.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE

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